UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,888	06/29/2001	Anil Vasudevan	02207/11659	4965

23838 7590 01/22/2010		EXAMINER
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SUITE 700	ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005	2455	

MAIL DATE	DELIVERY MODE
01/22/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

--*The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

THE REPLY FILED <u>08 January 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: <u>*None*</u>.

   Claim(s) objected to: <u>*None*</u>.

   Claim(s) rejected: <u>*1-16 and 18-24*</u>.

   Claim(s) withdrawn from consideration: <u>*None*</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

              /Bharat N Barot/
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Continuation of 11. does NOT place the application in condition for allowance because: applicant's arguments with respect to claims 1-16 and 18-24 toward final rejection filed on January 08, 2010 have been considered but they are not deemed to be persuasive and final rejection is respectfully maintained as set forth in the last office action mailed on November 10, 2009.

Dillon teaches two different interfaces for data transmission and acks transmission (see figure 12), and specifically teaches that sending, from the network driver device (gateway), an acknowledgment packet to the stack (application server) without sending the acknowledgment packet across an I/O bus (short propagation); and after sending the acknowledgement packet, transmitting, by the network driver device, the data packet across the I/O bus in the server environment to the client (terminal) (long propagation) (figures 12 and 13d, column 14 lines 1-41, and column 14 line to column 15 line 27). Dillon claimed an interface between wireless communication unit and a computing device, and the interface is a network interface card (see claim 11).

Dillon discloses a network interface card in a server environment (column 16 lines 49-58, network interface card associated with a wireless communication unit and a computing unit) comprising: a mechanism (gateway) to communicate across an I/O bus in the server environment so as to receive data packets from a network drive mechanism (communicate with an application server, figure 12, column 14 lines 1-41); a memory device to store information regarding the received data packets (figures 13a-13b, and column 14 lines 42-54) and store a data structure containing connection information with a number of fake acknowledgement packets generated by the network drive mechanism (figures 13s, and column 14); and a mechanism (gateway) to communicate across a network so as to transmit the received data packets to a remote system and to receive an acknowledgment packet from the remote system across the network (communicate with a remote terminal, figures 1-2 and 13c-13d, column 14 lines 17-41, and column 14 line 55 to column 15 line 46).

Dillon discloses that an error indicating mechanism to recognize an error condition if a negative acknowledgment packet regarding the data packet transmitted across the network is received from the remote system (figures 12 and 13c-13e, column 14 lines 1-26, and column 14 line 55 to column 15 line 46).